IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.25767 of 2008

1. GOPAL RAI
2. SHOBHAN RAI
BOTH SONS OF RAMA RAI, RESIDENT OF VILLAGE-AHMADPUR, POLICE STATION-BALIA BELON, DISTRICT-KATIHAR

Versus
STATE OF BIHAR

For the petitioners : Mr. Bimal Kumar, Adv.
For the State : Mr. C. Jawahar, A.P.P.

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3. 30/9/2008 Heard learned counsel for the petitioners and learned counsel for the State.

Petitioners are apprehending their arrest in Kadwa (Balia Belon) P.S. Case No. 137 of 2006 under Sections 341, 342, 323, 504 and 384/34 of the Indian Penal Code.

Allegations are that all the petitioners accosted the informant when he was going to purchase certain articles and thereafter one of the co-accused demanded Rs. 2,000/- by way of extortion, otherwise, he was threatened with dire consequences. Thereafter, all the co-accused persons snatched the cycle, cash amounting Rs. 25,000/- as well as wrist watch of the informant.

Learned counsel for the petitioners submits that the petitioners are co-villagers of the informant and therefore, there is no question of extortion of money by the accused persons including the petitioners. Further submission is that the antecedents of the petitioners are clean. It is further submitted that two co-accused persons namely, Kulesh Ray and Rajeev

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Rai have been granted regular bail by another Bench of this Court by order dated 13.8.2007 and 17.1.2008 passed in Cr. Misc. Nos. 34500 of 2007 and 57700 of 2007 respectively.

Learned counsel for the State submits that this is a case of extortion and snatching of money as well as other articles from the informant by the accused persons including the petitioners, therefore, they do not deserve anticipatory bail.

Having regards to the aforesaid submissions made by the parties, I am not inclined to grant anticipatory bail to the petitioners. In the result, the prayer of anticipatory bail is rejected.

However, if the petitioners surrender before the court below and pray for regular bail, their prayer for bail will be considered on its own merit and in accordance with law without being prejudiced by this order.

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, S.Ali **(Dr. Ravi Ranjan, J.)**